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REMARKS

Claims 1-37, 41-43, 45-49, 53-55 and 57-59 are currently pending in the subject application and are presently under consideration. Claims 32 and 41 have been amended herein to a cure minor informality. A version of all pending claims is presented at pages 2-11 of this Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-7, 10, 11, 15, 31-34, 36-37, 41-43, 45-47, 49, 53-55 and 57-59 Under 35 U.S.C. §103(a)

Claims 1-7, 10, 11, 15, 31-34, 36-37, 41-43, 45-47, 49, 53-55 and 57-59 stand rejected under 35 U.S.C. §103(a) as being obvious over Hays *et al.* (US 6,260,004 B1) in view of Grimm *et al* (US 6,369,472 B1). This rejection should be withdrawn for at least the following reasons.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure*. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Applicants' claimed invention relates to systems and methods for controlling and diagnosing motorized systems according to vibration, pressure, temperature, speed, and/or current analysis. In particular, the claimed subject matter provides a diagnostics and control system for controlling a motorized system and diagnosing the health thereof, with a controller operatively associated with the motorized system and adapted to operate the motorized system in a controlled fashion, and a diagnostics system operatively

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associated with the motorized system and adapted to diagnose the health of the motorized system according to a measured attribute associated with the motorized system. To this end, independent claims 1, 32, 41 and 57-59 recite similar aspects, namely: *a diagnostics system integrated with the controller and the motor drive to comprise a single unit*. Neither Hays *et al.* nor Grimm *et al.*, either alone or in combination, teach or suggest these features of applicants' claimed invention.

Hays *et al.* discloses an apparatus and method for diagnosing a pump system, wherein diagnostics are utilized to determine impending failures of a pump. Hays *et al.* however does not disclose a motor drive. The Examiner contends that Hays *et al.* in figure 1, items 12 and 14 teaches the exemplary motor drive elucidated in the subject claims. Applicants' representative disagrees. The commentary associated with figure 1 states that item 12 is a motor and item 14 is a pump. It is thus submitted that Hays *et al.* does not provide the motor drive as recited in the subject claims, and in fact nowhere in Hays *et al.* is there mention of the utilization of a motor drive.

Further, the secondary document, Grimm *et al.* does not make up for aforementioned deficiencies with respect to Hays *et al.* Grimm *et al.* relates to a device for acquiring operating parameters of an electric motor, such as a number of motor starts and a number of operating hours to provide reliable information regarding whether the electric motor can be reused after a certain operating time or must be discarded. Nowhere in Grimm *et al.* is there a disclosure of a motor drive as recited in the claims at issue.

Consequently, in the view of the fact that both the primary and secondary are silent regarding the salient motor-drive element, it is submitted that neither Hays *et al.* nor Grimm *et al.*, alone or in combination, can reasonably be viewed as providing a single unit that comprises a controller, a diagnostics system and a motor drive, wherein the controller conveys a control signal to the motor drive based on a diagnostic signal generated by the diagnostics system. Accordingly, this rejection should be withdrawn with respect to independent claims 1, 32, 41 and 57-59 (and claims that depend there from).

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II. Rejection of Claims 8-9, 12-14 and 16-19 Under 35 U.S.C. §103(a)

Claims 8-9, 12-14 and 16-19 stand rejected under 35 U.S.C. §103(a) as being obvious over Hays *et al.* and Grimm *et al.* and further in view of Ogi *et al.* (US 5,419,197). Withdrawal of this rejection is requested for at least the following reasons. Claims 8-9, 12-14 and 16-19 depend from independent claim 1, and Ogi *et al.* does not remedy the aforementioned deficiencies with respect to Hays *et al.* and Grimm *et al.* Accordingly, this rejection should be withdrawn.

III. Rejection of Claims 20-30 and 35 Under 35 U.S.C. §103(a)

Claims 20-30 and 35 stand rejected under 35 U.S.C. §103(a) as being obvious over Hays *et al.* and Grim *et al.* and further in view of Petsche *et al.* (US 5,640,103). This rejection should be withdrawn for at least the following reasons. Claims 20-30 and 35 depend from independent claim 1 and 32 respectively, and Petsche *et al.* fails to make up for the aforementioned deficiencies with respect to Hays *et al.* and Grimm *et al.* Accordingly, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claim 48 Under 35 U.S.C. §103(a)

Claim 48 stands rejected under 35 U.S.C. §103(a) as being obvious over Hays *et al.* and Grimm *et al.* and further in view of Gotou *et al.* (US 4,933,834). Withdrawal of this rejection is requested for at least the following reasons. Claim 48 depends from independent claim 41, and Gotou *et al.* does not cure the aforementioned deficiencies with respect to the primary and secondary documents. Accordingly, this rejection should be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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